

AMENDED IN SENATE JUNE 23, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 21, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1945**

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**Introduced by Assembly Member Mark Stone**

February 12, 2016

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An act to amend Sections 786, 827, 827.9, and 828 of the Welfare and Institutions Code, relating to juveniles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1945, as amended, Mark Stone. Juveniles: sealing of records.

(1) Existing law subjects a person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the sealing of records pertaining to that dismissed petition, as specified. Existing law specifies circumstances under which a record that has been ordered sealed pursuant to these provisions may be accessed, inspected, or utilized.

This bill would allow a child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent to access a record that has been ordered sealed for the limited purpose of determining an appropriate placement or service. ~~The bill would clarify that a person is eligible to have his or her records sealed and petition dismissed pursuant to the above provisions after satisfactorily completing an informal program of supervision or another term of probation, as specified, while he or she was subject to the jurisdiction of the juvenile court.~~

(2) Existing law governs the circumstances under which a juvenile court case file may be disseminated and to whom. Existing law governs the dissemination of juvenile police records in the County of Los Angeles. Existing law governs the dissemination of information gathered by a law enforcement agency relating to the taking of a minor into custody

This bill would clarify that a case file that has been covered by or included in an order of a court sealing a record under specified provisions of law may only be inspected pursuant to those provisions of law. The bill would make conforming changes regarding the dissemination of juvenile police records in the County of Los Angeles and information gathered by a law enforcement agency relating to the taking of a minor into custody to preclude the dissemination of sealed records under those provisions that have been sealed pursuant to a specified provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 786 of the Welfare and Institutions Code  
2     is amended to read:  
3     786. (a) If a person who has been alleged or found to be a ward  
4     of the juvenile court satisfactorily completes (1) an informal  
5     program of supervision pursuant to Section 654.2, (2) probation  
6     under Section 725, or (3) a term of probation for any offense, the  
7     court shall order the petition dismissed. The court shall order sealed  
8     all records pertaining to the dismissed petition in the custody of  
9     the juvenile court, and in the custody of law enforcement agencies,  
10    the probation department, or the Department of Justice. The court  
11    shall send a copy of the order to each agency and official named  
12    in the order, direct the agency or official to seal its records, and

1 specify a date by which the sealed records shall be destroyed. Each  
2 agency and official named in the order shall seal the records in its  
3 custody as directed by the order, shall advise the court of its  
4 compliance, and, after advising the court, shall seal the copy of  
5 the court's order that was received. The court shall also provide  
6 notice to the person and the person's counsel that it has ordered  
7 the petition dismissed and the records sealed in the case. The notice  
8 shall include an advisement of the person's right to nondisclosure  
9 of the arrest and proceedings, as specified in subdivision (b).

10 (b) Upon the court's order of dismissal of the petition, the arrest  
11 and other proceedings in the case shall be deemed not to have  
12 occurred and the person who was the subject of the petition may  
13 reply accordingly to an inquiry by employers, educational  
14 institutions, or other persons or entities regarding the arrest and  
15 proceedings in the case.

16 (c) (1) For purposes of this section, satisfactory completion of  
17 an informal program of supervision or another term of probation  
18 described in subdivision (a) shall be deemed to have occurred if  
19 the person has no new findings of wardship or conviction for a  
20 felony offense or a misdemeanor involving moral turpitude during  
21 the period of supervision or probation and if he or she has not  
22 failed to substantially comply with the reasonable orders of  
23 supervision or probation that are within his or her capacity to  
24 perform. The period of supervision or probation shall not be  
25 extended solely for the purpose of deferring or delaying eligibility  
26 for dismissal of the petition and sealing of the records under this  
27 section. ~~A person is eligible to have his or her records sealed and~~  
28 ~~petition dismissed pursuant to this section after satisfactorily~~  
29 ~~completing an informal program of supervision or another term~~  
30 ~~of probation described in subdivision (a) while he or she was~~  
31 ~~subject to the jurisdiction of the juvenile court pursuant to Section~~  
32 ~~602.~~

33 (2) An unfulfilled order or condition of restitution, including a  
34 restitution fine that can be converted to a civil judgment under  
35 Section 730.6 or an unpaid restitution fee shall not be deemed to  
36 constitute unsatisfactory completion of supervision or probation  
37 under this section.

38 (d) A court shall not seal a record or dismiss a petition pursuant  
39 to this section if the petition was sustained based on the  
40 commission of an offense listed in subdivision (b) of Section 707

1 that was committed when the individual was 14 years of age or  
2 older unless the finding on that offense was dismissed or was  
3 reduced to a lesser offense that is not listed in subdivision (b) of  
4 Section 707.

5 (e) (1) The court may, in making its order to seal the record  
6 and dismiss the instant petition pursuant to this section, include  
7 an order to seal a record relating to, or to dismiss, any prior petition  
8 or petitions that have been filed or sustained against the individual  
9 and that appear to the satisfaction of the court to meet the sealing  
10 and dismissal criteria otherwise described in this section.

11 (2) An individual who has a record that is eligible to be sealed  
12 under this section may ask the court to order the sealing of a record  
13 pertaining to the case that is in the custody of a public agency other  
14 than a law enforcement agency, the probation department, or the  
15 Department of Justice, and the court may grant the request and  
16 order that the public agency record be sealed if the court determines  
17 that sealing the additional record will promote the successful  
18 reentry and rehabilitation of the individual.

19 (f) (1) A record that has been ordered sealed by the court under  
20 this section may be accessed, inspected, or utilized only under any  
21 of the following circumstances:

22 (A) By the prosecuting attorney, the probation department, or  
23 the court for the limited purpose of determining whether the minor  
24 is eligible and suitable for deferred entry of judgment pursuant to  
25 Section 790 or is ineligible for a program of supervision as defined  
26 in Section 654.3.

27 (B) By the court for the limited purpose of verifying the prior  
28 jurisdictional status of a ward who is petitioning the court to resume  
29 its jurisdiction pursuant to subdivision (e) of Section 388.

30 (C) If a new petition has been filed against the minor for a felony  
31 offense, by the probation department for the limited purpose of  
32 identifying the minor's previous court-ordered programs or  
33 placements, and in that event solely to determine the individual's  
34 eligibility or suitability for remedial programs or services. The  
35 information obtained pursuant to this subparagraph shall not be  
36 disseminated to other agencies or individuals, except as necessary  
37 to implement a referral to a remedial program or service, and shall  
38 not be used to support the imposition of penalties, detention, or  
39 other sanctions upon the minor.

1 (D) Upon a subsequent adjudication of a minor whose record  
2 has been sealed under this section and a finding that the minor is  
3 a person described by Section 602 based on the commission of a  
4 felony offense, by the probation department, the prosecuting  
5 attorney, counsel for the minor, or the court for the limited purpose  
6 of determining an appropriate juvenile court disposition. Access,  
7 inspection, or use of a sealed record as provided under this  
8 subparagraph shall not be construed as a reversal or modification  
9 of the court's order dismissing the petition and sealing the record  
10 in the prior case.

11 (E) Upon the prosecuting attorney's motion, made in accordance  
12 with Section 707, to initiate court proceedings to determine the  
13 minor's fitness to be dealt with under the juvenile court law, by  
14 the probation department, the prosecuting attorney, counsel for  
15 the minor, or the court for the limited purpose of evaluating and  
16 determining the minor's fitness to be dealt with under the juvenile  
17 court law. Access, inspection, or use of a sealed record as provided  
18 under this subparagraph shall not be construed as a reversal or  
19 modification of the court's order dismissing the petition and sealing  
20 the record in the prior case.

21 (F) By the person whose record has been sealed, upon his or  
22 her request and petition to the court to permit inspection of the  
23 records.

24 (G) The probation department of any county may access the  
25 records for the limited purpose of meeting federal Title IV-B and  
26 Title IV-E compliance.

27 (H) The child welfare agency of a county responsible for the  
28 supervision and placement of a minor or nonminor dependent may  
29 access a record that has been ordered sealed by the court under  
30 this section for the limited purpose of determining an appropriate  
31 placement or service that has been ordered for the minor or  
32 nonminor dependent by the court. The information contained in  
33 the sealed record and accessed by the child welfare worker or  
34 agency under this subparagraph may be shared with the court or  
35 with a service or placement provider as necessary to implement  
36 the court-ordered service or placement but shall in all other respects  
37 remain confidential. Access to the sealed record under this  
38 subparagraph shall not be construed as a modification of the court's  
39 order dismissing the petition and sealing the record in the case.

(2) Access to, or inspection of, a sealed record authorized by paragraph (1) shall not be deemed an unsealing of the record and shall not require notice to any other agency.

(g) (1) This section does not prohibit a court from enforcing a civil judgment for an unfulfilled order of restitution ordered pursuant to Section 730.6. A minor is not relieved from the obligation to pay victim restitution, restitution fines, and court-ordered fines and fees because the minor's records are sealed.

(2) A victim or a local collection program may continue to enforce victim restitution orders, restitution fines, and court-ordered fines and fees after a record is sealed. The juvenile court shall have access to records sealed pursuant to this section for the limited purpose of enforcing a civil judgment or restitution order.

(h) This section does not prohibit the State Department of Social Services from meeting its obligations to monitor and conduct periodic evaluations of, and provide reports on, the programs carried under federal Title IV-B and Title IV-E as required by Sections 622, 629 et seq., and 671(a)(7) and (22) of Title 42 of the United States Code, as implemented by federal regulation and state statute.

(i) The Judicial Council shall adopt rules of court, and shall make available appropriate forms, providing for the standardized implementation of this section by the juvenile courts.

SEC. 2. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) The minor's parents or guardian.

(E) The attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action.

(G) The superintendent or designee of the school district where the minor is enrolled or attending school.

1 (H) Members of the child protective agencies as defined in  
2 Section 11165.9 of the Penal Code.

3 (I) The State Department of Social Services, to carry out its  
4 duties pursuant to Division 9 (commencing with Section 10000),  
5 and Part 5 (commencing with Section 7900) of Division 12, of the  
6 Family Code to oversee and monitor county child welfare agencies,  
7 children in foster care or receiving foster care assistance, and  
8 out-of-state placements, Section 10850.4, and paragraph (2).

9 (J) Authorized legal staff or special investigators who are peace  
10 officers who are employed by, or who are authorized  
11 representatives of, the State Department of Social Services, as  
12 necessary to the performance of their duties to inspect, license,  
13 and investigate community care facilities, and to ensure that the  
14 standards of care and services provided in those facilities are  
15 adequate and appropriate and to ascertain compliance with the  
16 rules and regulations to which the facilities are subject. The  
17 confidential information shall remain confidential except for  
18 purposes of inspection, licensing, or investigation pursuant to  
19 Chapter 3 (commencing with Section 1500) and Chapter 3.4  
20 (commencing with Section 1596.70) of Division 2 of the Health  
21 and Safety Code, or a criminal, civil, or administrative proceeding  
22 in relation thereto. The confidential information may be used by  
23 the State Department of Social Services in a criminal, civil, or  
24 administrative proceeding. The confidential information shall be  
25 available only to the judge or hearing officer and to the parties to  
26 the case. Names that are confidential shall be listed in attachments  
27 separate to the general pleadings. The confidential information  
28 shall be sealed after the conclusion of the criminal, civil, or  
29 administrative hearings, and may not subsequently be released  
30 except in accordance with this subdivision. If the confidential  
31 information does not result in a criminal, civil, or administrative  
32 proceeding, it shall be sealed after the State Department of Social  
33 Services decides that no further action will be taken in the matter  
34 of suspected licensing violations. Except as otherwise provided in  
35 this subdivision, confidential information in the possession of the  
36 State Department of Social Services may not contain the name of  
37 the minor.

38 (K) Members of children's multidisciplinary teams, persons, or  
39 agencies providing treatment or supervision of the minor.

(L) A judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both, involving the minor, and the following persons, if actively participating in the family law case: a family court mediator assigned to a case involving the minor pursuant to Article 1 (commencing with Section 3160) of Chapter 11 of Part 2 of Division 8 of the Family Code, a court-appointed evaluator or a person conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Section 3111 or 3118 of the Family Code, and counsel appointed for the minor in the family law case pursuant to Section 3150 of the Family Code. Prior to allowing counsel appointed for the minor in the family law case to inspect the file, the court clerk may require counsel to provide a certified copy of the court order appointing him or her as the minor's counsel.

(M) A court-appointed investigator who is actively participating in a guardianship case involving a minor pursuant to Part 2 (commencing with Section 1500) of Division 4 of the Probate Code and acting within the scope of his or her duties in that case.

(N) A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders.

(O) Juvenile justice commissions as established under Section 225. The confidentiality provisions of Section 10850 shall apply to a juvenile justice commission and its members.

(P) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) (A) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or



1 any portion thereof, of a deceased child only upon a showing by  
2 a preponderance of evidence that release of the juvenile case file  
3 or any portion thereof is detrimental to the safety, protection, or  
4 physical or emotional well-being of another child who is directly  
5 or indirectly connected to the juvenile case that is the subject of  
6 the petition.

7 (B) This paragraph represents a presumption in favor of the  
8 release of documents when a child is deceased unless the statutory  
9 reasons for confidentiality are shown to exist.

10 (C) If a child whose records are sought has died, and documents  
11 are sought pursuant to this paragraph, no weighing or balancing  
12 of the interests of those other than a child is permitted.

13 (D) A petition filed under this paragraph shall be served on  
14 interested parties by the petitioner, if the petitioner is in possession  
15 of their identity and address, and on the custodian of records. Upon  
16 receiving a petition, the custodian of records shall serve a copy of  
17 the request upon all interested parties that have not been served  
18 by the petitioner or on the interested parties served by the petitioner  
19 if the custodian of records possesses information, such as a more  
20 recent address, indicating that the service by the petitioner may  
21 have been ineffective.

22 (E) The custodian of records shall serve the petition within 10  
23 calendar days of receipt. If any interested party, including the  
24 custodian of records, objects to the petition, the party shall file and  
25 serve the objection on the petitioning party no later than 15  
26 calendar days ~~of~~ *after* service of the petition.

27 (F) The petitioning party shall have 10 calendar days to file any  
28 reply. The juvenile court shall set the matter for hearing no more  
29 than 60 calendar days from the date the petition is served on the  
30 custodian of records. The court shall render its decision within 30  
31 days of the hearing. The matter shall be decided solely upon the  
32 basis of the petition and supporting exhibits and declarations, if  
33 any, the objection and any supporting exhibits or declarations, if  
34 any, and the reply and any supporting declarations or exhibits  
35 thereto, and argument at hearing. The court may solely upon its  
36 own motion order the appearance of witnesses. If no objection is  
37 filed to the petition, the court shall review the petition and issue  
38 its decision within 10 calendar days of the final day for filing the  
39 objection. Any order of the court shall be immediately reviewable

1 by petition to the appellate court for the issuance of an  
2 extraordinary writ.

3 (3) Access to juvenile case files pertaining to matters within the  
4 jurisdiction of the juvenile court pursuant to Section 300 shall be  
5 limited as follows:

6 (A) If a juvenile case file, or any portion thereof, is privileged  
7 or confidential pursuant to any other state law or federal law or  
8 regulation, the requirements of that state law or federal law or  
9 regulation prohibiting or limiting release of the juvenile case file  
10 or any portions thereof shall prevail. Unless a person is listed in  
11 subparagraphs (A) to (O), inclusive, of paragraph (1) and is entitled  
12 to access under the other state law or federal law or regulation  
13 without a court order, all those seeking access, pursuant to other  
14 authorization, to portions of, or information relating to the contents  
15 of, juvenile case files protected under another state law or federal  
16 law or regulation, shall petition the juvenile court. The juvenile  
17 court may only release the portion of, or information relating to  
18 the contents of, juvenile case files protected by another state law  
19 or federal law or regulation if disclosure is not detrimental to the  
20 safety, protection, or physical or emotional well-being of a child  
21 who is directly or indirectly connected to the juvenile case that is  
22 the subject of the petition. This paragraph shall not be construed  
23 to limit the ability of the juvenile court to carry out its duties in  
24 conducting juvenile court proceedings.

25 (B) Prior to the release of the juvenile case file or any portion  
26 thereof, the court shall afford due process, including a notice of  
27 and an opportunity to file an objection to the release of the record  
28 or report to all interested parties.

29 (4) A juvenile case file, any portion thereof, and information  
30 relating to the content of the juvenile case file, may not be  
31 disseminated by the receiving agencies to any persons or agencies,  
32 other than those persons or agencies authorized to receive  
33 documents pursuant to this section. Further, a juvenile case file,  
34 any portion thereof, and information relating to the content of the  
35 juvenile case file, may not be made as an attachment to any other  
36 documents without the prior approval of the presiding judge of the  
37 juvenile court, unless it is used in connection with and in the course  
38 of a criminal investigation or a proceeding brought to declare a  
39 person a dependent child or ward of the juvenile court.

1 (5) Individuals listed in subparagraphs (A), (B), (C), (D), (E),  
2 (F), (H), and (I) of paragraph (1) may also receive copies of the  
3 case file. In these circumstances, the requirements of paragraph  
4 (4) shall continue to apply to the information received.

5 (b) (1) While the Legislature reaffirms its belief that juvenile  
6 court records, in general, should be confidential, it is the intent of  
7 the Legislature in enacting this subdivision to provide for a limited  
8 exception to juvenile court record confidentiality to promote more  
9 effective communication among juvenile courts, family courts,  
10 law enforcement agencies, and schools to ensure the rehabilitation  
11 of juvenile criminal offenders as well as to lessen the potential for  
12 drug use, violence, other forms of delinquency, and child abuse.

13 (2) Notwithstanding subdivision (a), written notice that a minor  
14 enrolled in a public school, kindergarten to grade 12, inclusive,  
15 has been found by a court of competent jurisdiction to have  
16 committed any felony or any misdemeanor involving curfew,  
17 gambling, alcohol, drugs, tobacco products, carrying of weapons,  
18 a sex offense listed in Section 290 of the Penal Code, assault or  
19 battery, larceny, vandalism, or graffiti shall be provided by the  
20 court, within seven days, to the superintendent of the school district  
21 of attendance. Written notice shall include only the offense found  
22 to have been committed by the minor and the disposition of the  
23 minor's case. This notice shall be expeditiously transmitted by the  
24 district superintendent to the principal at the school of attendance.  
25 The principal shall expeditiously disseminate the information to  
26 those counselors directly supervising or reporting on the behavior  
27 or progress of the minor. In addition, the principal shall disseminate  
28 the information to any teacher or administrator directly supervising  
29 or reporting on the behavior or progress of the minor whom the  
30 principal believes needs the information to work with the pupil in  
31 an appropriate fashion, to avoid being needlessly vulnerable or to  
32 protect other persons from needless vulnerability.

33 Any information received by a teacher, counselor, or  
34 administrator under this subdivision shall be received in confidence  
35 for the limited purpose of rehabilitating the minor and protecting  
36 students and staff, and shall not be further disseminated by the  
37 teacher, counselor, or administrator, except insofar as  
38 communication with the juvenile, his or her parents or guardians,  
39 law enforcement personnel, and the juvenile's probation officer

1 is necessary to effectuate the juvenile's rehabilitation or to protect  
2 students and staff.

3 An intentional violation of the confidentiality provisions of this  
4 paragraph is a misdemeanor punishable by a fine not to exceed  
5 five hundred dollars (\$500).

6 (3) If a minor is removed from public school as a result of the  
7 court's finding described in subdivision (b), the superintendent  
8 shall maintain the information in a confidential file and shall defer  
9 transmittal of the information received from the court until the  
10 minor is returned to public school. If the minor is returned to a  
11 school district other than the one from which the minor came, the  
12 parole or probation officer having jurisdiction over the minor shall  
13 so notify the superintendent of the last district of attendance, who  
14 shall transmit the notice received from the court to the  
15 superintendent of the new district of attendance.

16 (c) Each probation report filed with the court concerning a minor  
17 whose record is subject to dissemination pursuant to subdivision  
18 (b) shall include on the face sheet the school at which the minor  
19 is currently enrolled. The county superintendent shall provide the  
20 court with a listing of all of the schools within each school district,  
21 within the county, along with the name and mailing address of  
22 each district superintendent.

23 (d) (1) Each notice sent by the court pursuant to subdivision  
24 (b) shall be stamped with the instruction: "Unlawful Dissemination  
25 Of This Information Is A Misdemeanor." Any information received  
26 from the court shall be kept in a separate confidential file at the  
27 school of attendance and shall be transferred to the minor's  
28 subsequent schools of attendance and maintained until the minor  
29 graduates from high school, is released from juvenile court  
30 jurisdiction, or reaches the age of 18 years, whichever occurs first.  
31 After that time the confidential record shall be destroyed. At any  
32 time after the date by which a record required to be destroyed by  
33 this section should have been destroyed, the minor or his or her  
34 parent or guardian shall have the right to make a written request  
35 to the principal of the school that the minor's school records be  
36 reviewed to ensure that the record has been destroyed. Upon  
37 completion of any requested review and no later than 30 days after  
38 the request for the review was received, the principal or his or her  
39 designee shall respond in writing to the written request and either  
40 shall confirm that the record has been destroyed or, if the record

1 has not been destroyed, shall explain why destruction has not yet  
2 occurred.

3 (2) Except as provided in paragraph (2) of subdivision (b), no  
4 liability shall attach to any person who transmits or fails to transmit  
5 any notice or information required under subdivision (b).

6 (e) For purposes of this section, a “juvenile case file” means a  
7 petition filed in any juvenile court proceeding, reports of the  
8 probation officer, and all other documents filed in that case or  
9 made available to the probation officer in making his or her report,  
10 or to the judge, referee, or other hearing officer, and thereafter  
11 retained by the probation officer, judge, referee, or other hearing  
12 officer.

13 (f) The persons described in subparagraphs (A), (E), (F), (H),  
14 (K), (L), (M), and (N) of paragraph (1) of subdivision (a) include  
15 persons serving in a similar capacity for an Indian tribe, reservation,  
16 or tribal court when the case file involves a child who is a member  
17 of, or who is eligible for membership in, that tribe.

18 (g) A case file that is covered by or included in an order of the  
19 court sealing a record pursuant to Section 781 or 786 may not be  
20 inspected except as specified by Section 781 or 786.

21 SEC. 3. Section 827.9 of the Welfare and Institutions Code is  
22 amended to read:

23 827.9. (a) It is the intent of the Legislature to reaffirm its belief  
24 that records or information gathered by law enforcement agencies  
25 relating to the taking of a minor into custody, temporary custody,  
26 or detention (juvenile police records) should be confidential.  
27 Confidentiality is necessary to protect those persons from being  
28 denied various opportunities, to further the rehabilitative efforts  
29 of the juvenile justice system, and to prevent the lifelong stigma  
30 that results from having a juvenile police record. Although these  
31 records generally should remain confidential, the Legislature  
32 recognizes that certain circumstances require the release of juvenile  
33 police records to specified persons and entities. The purpose of  
34 this section is to clarify the persons and entities entitled to receive  
35 a complete copy of a juvenile police record, to specify the persons  
36 or entities entitled to receive copies of juvenile police records with  
37 certain identifying information about other minors removed from  
38 the record, and to provide procedures for others to request a copy  
39 of a juvenile police record. This section does not govern the release  
40 of police records involving a minor who is the witness to or victim

1 of a crime who is protected by other laws including, but not limited  
2 to, Section 841.5 of the Penal Code, Section 11167 et seq. of the  
3 Penal Code, and Section 6254 of the Government Code.

4 (b) Except as provided in Sections 389, 781, and 786 of this  
5 code or Section 1203.45 of the Penal Code, a law enforcement  
6 agency shall release, upon request, a complete copy of a juvenile  
7 police record, as defined in subdivision (m), without notice or  
8 consent from the person who is the subject of the juvenile police  
9 record to the following persons or entities:

10 (1) Other law enforcement agencies including the office of the  
11 Attorney General of California, any district attorney, the  
12 Department of Corrections and Rehabilitation, including the  
13 Division of Juvenile Justice, and any peace officer as specified in  
14 subdivision (a) of Section 830.1 of the Penal Code.

15 (2) School district police.

16 (3) Child protective agencies as defined in Section 11165.9 of  
17 the Penal Code.

18 (4) The attorney representing the juvenile who is the subject of  
19 the juvenile police record in a criminal or juvenile proceeding.

20 (5) The Department of Motor Vehicles.

21 (c) Except as provided in Sections 389, 781, and 786 of this  
22 code or Section 1203.45 of the Penal Code, law enforcement  
23 agencies shall release, upon request, a copy of a juvenile police  
24 record to the following persons and entities only if identifying  
25 information pertaining to any other juvenile, within the meaning  
26 of subdivision (n), has been removed from the record:

27 (1) The person who is the subject of the juvenile police record.

28 (2) The parents or guardian of a minor who is the subject of the  
29 juvenile police record.

30 (3) An attorney for a parent or guardian of a minor who is the  
31 subject of the juvenile police record.

32 (d) (1) (A) If a person or entity listed in subdivision (c) seeks  
33 to obtain a complete copy of a juvenile police record that contains  
34 identifying information concerning the taking into custody or  
35 detention of any other juvenile, within the meaning of subdivision  
36 (n), who is not a dependent child or a ward of the juvenile court,  
37 that person or entity shall submit a completed Petition to Obtain  
38 Report of Law Enforcement Agency, as developed pursuant to  
39 subdivision (i), to the appropriate law enforcement agency. The  
40 law enforcement agency shall send a notice to the following

1 persons that a Petition to Obtain Report of Law Enforcement  
2 Agency has been submitted to the agency:

3 (i) The juvenile about whom information is sought.

4 (ii) The parents or guardian of any minor described in  
5 ~~subparagraph~~ *clause* (i). The law enforcement agency shall make  
6 reasonable efforts to obtain the address of the parents or guardian.

7 (B) For purposes of responding to a request submitted pursuant  
8 to this subdivision, a law enforcement agency may check the  
9 Juvenile Automated Index or may contact the juvenile court to  
10 determine whether a person is a dependent child or a ward of the  
11 juvenile court and whether parental rights have been terminated  
12 or the juvenile has been emancipated.

13 (C) The notice sent pursuant to this subdivision shall include  
14 the following information:

15 (i) The identity of the person or entity requesting a copy of the  
16 juvenile police record.

17 (ii) A copy of the completed Petition to Obtain Report of Law  
18 Enforcement Agency.

19 (iii) The time period for submitting an objection to the law  
20 enforcement agency, which shall be 20 days if notice is provided  
21 by mail or confirmed fax, or 15 days if notice is provided by  
22 personal service.

23 (iv) The means to submit an objection.

24 A law enforcement agency shall issue notice pursuant to this  
25 section within 20 days of the request. If no objections are filed,  
26 the law enforcement agency shall release the juvenile police record  
27 within 15 days of the expiration of the objection period.

28 (D) If any objections to the disclosure of the other juvenile's  
29 information are submitted to the law enforcement agency, the law  
30 enforcement agency shall send the completed Petition to Obtain  
31 Report of Law Enforcement Agency, the objections, and a copy  
32 of the requested juvenile police record to the presiding judge of  
33 the juvenile court or, in counties with no presiding judge of the  
34 juvenile court, the judge of the juvenile court or his or her designee,  
35 to obtain authorization from the court to release a complete copy  
36 of the juvenile police record.

37 (2) If a person or entity listed in subdivision (c) seeks to obtain  
38 a complete copy of a juvenile police record that contains identifying  
39 information concerning the taking into custody or detention of any  
40 other juvenile, within the meaning of subdivision (n), who is a

1 dependent child or a ward of the juvenile court, that person or  
2 entity shall submit a Petition to Obtain Report of Law Enforcement  
3 Agency, as developed pursuant to subdivision (i), to the appropriate  
4 law enforcement agency. The law enforcement agency shall send  
5 that Petition to Obtain Report of Law Enforcement Agency and a  
6 completed petition for authorization to release the information to  
7 that person or entity along with a complete copy of the requested  
8 juvenile police record to the presiding judge of the juvenile court,  
9 or, in counties with no presiding judge of the juvenile court, the  
10 judge of the juvenile court or his or her designees. The juvenile  
11 court shall provide notice of the petition for authorization to the  
12 following persons:

13 (A) If the person who would be identified if the information is  
14 released is a minor who is a dependent child of the juvenile court,  
15 notice of the petition shall be provided to the following persons:

- 16 (i) The minor.
- 17 (ii) The attorney of record for the minor.
- 18 (iii) The parents or guardian of the minor, unless parental rights  
19 have been terminated.
- 20 (iv) The child protective agency responsible for the minor.
- 21 (v) The attorney representing the child protective agency  
22 responsible for the minor.

23 (B) If the person who would be identified if the information is  
24 released is a ward of the juvenile court, notice of the petition shall  
25 be provided to the following:

- 26 (i) The ward.
- 27 (ii) The attorney of record for the ward.
- 28 (iii) The parents or guardian of the ward if the ward is under 18  
29 years of age, unless parental rights have been terminated.
- 30 (iv) The district attorney.
- 31 (v) The probation department.

32 (e) Except as otherwise provided in this section or in Sections  
33 389, 781, and 786 of this code or Section 1203.45 of the Penal  
34 Code, law enforcement agencies shall release copies of juvenile  
35 police records to any other person designated by court order upon  
36 the filing of a Petition to Obtain Report of Law Enforcement  
37 Agency with the juvenile court. The petition shall be filed with  
38 the presiding judge of the juvenile court, or, in counties with no  
39 presiding judge of the juvenile court, the judge of the juvenile



1 court or his or her designee, in the county where the juvenile police  
2 record is maintained.

3 (f) (1) After considering the petition and any objections  
4 submitted to the juvenile court pursuant to paragraph (1) or (2) of  
5 subdivision (d), the court shall determine whether the law  
6 enforcement agency may release a complete copy of the juvenile  
7 police record to the person or entity that submitted the request.

8 (2) In determining whether to authorize the release of a juvenile  
9 police record, the court shall balance the interests of the juvenile  
10 who is the subject of the record, the petitioner, and the public. The  
11 juvenile court may issue orders prohibiting or limiting the release  
12 of information contained in the juvenile police record. The court  
13 may also deny the existence of a juvenile police record where the  
14 record is properly sealed or the juvenile who is the subject of the  
15 record has properly denied its existence.

16 (3) Prior to authorizing the release of any juvenile police record,  
17 the juvenile court shall ensure that notice and an opportunity to  
18 file an objection to the release of the record has been provided to  
19 the juvenile who is the subject of the record or who would be  
20 identified if the information is released, that person's parents or  
21 guardian if he or she is under 18 years of age, and any additional  
22 person or entity described in subdivision (d), as applicable. The  
23 period for filing an objection shall be 20 days from the date notice  
24 is given if notice is provided by mail or confirmed fax and 15 days  
25 from the date notice is given if notice is provided by personal  
26 service. If review of the petition is urgent, the petitioner may file  
27 a motion with the presiding judge of the juvenile court showing  
28 good cause why the objection period should be shortened. The  
29 court shall issue a ruling on the completed petition within 15 days  
30 of the expiration of the objection period.

31 (g) Any out-of-state entity comparable to the California entities  
32 listed in paragraphs (1) to (5), inclusive, of subdivision (b) shall  
33 file a petition with the presiding judge of the juvenile court in the  
34 county where the juvenile police record is maintained in order to  
35 receive a copy of a juvenile police record. A petition from that  
36 entity may be granted on an ex parte basis.

37 (h) Nothing in this section shall require the release of  
38 confidential victim or witness information protected by other laws  
39 including, but not limited to, Section 841.5 of the Penal Code,

1 Section 11167 et seq. of the Penal Code, and Section 6254 of the  
2 Government Code.

3 (i) The Judicial Council, in consultation with the California Law  
4 Enforcement Association of Record Supervisors (CLEARs), shall  
5 develop forms for distribution by law enforcement agencies to the  
6 public to implement this section. Those forms shall include, but  
7 are not limited to, the Petition to Obtain Report of Law  
8 Enforcement Agency. The material for the public shall include  
9 information about the persons who are entitled to a copy of the  
10 juvenile police record and the specific procedures for requesting  
11 a copy of the record if a petition is necessary. The Judicial Council  
12 shall provide law enforcement agencies with suggested forms for  
13 compliance with the notice provisions set forth in subdivision (d).

14 (j) Any information received pursuant to subdivisions (a) to (e),  
15 inclusive, and (g) of this section shall be received in confidence  
16 for the limited purpose for which it was provided and shall not be  
17 further disseminated. An intentional violation of the confidentiality  
18 provisions of this section is a misdemeanor, punishable by a fine  
19 not to exceed five hundred dollars (\$500).

20 (k) A court shall consider any information relating to the taking  
21 of a minor into custody, if the information is not contained in a  
22 record which has been sealed, for purposes of determining whether  
23 an adjudication of the commission of a crime as a minor warrants  
24 a finding that there are circumstances in aggravation pursuant to  
25 Section 1170 of the Penal Code or to deny probation.

26 (l) When a law enforcement agency has been notified pursuant  
27 to Section 1155 that a minor has escaped from a secure detention  
28 facility, the law enforcement agency shall release the name of, and  
29 any descriptive information about, the minor to a person who  
30 specifically requests this information. The law enforcement agency  
31 may release the information on the minor without a request to do  
32 so if it finds that release of the information would be necessary to  
33 assist in recapturing the minor or that it would be necessary to  
34 protect the public from substantial physical harm.

35 (m) For purposes of this section, a “juvenile police record”  
36 refers to records or information relating to the taking of a minor  
37 into custody, temporary custody, or detention.

38 (n) For purposes of this section, with respect to a juvenile police  
39 record, “any other juvenile” refers to additional minors who were

1 taken into custody or temporary custody, or detained and who also  
2 could be considered a subject of the juvenile police record.

3 (o) An evaluation of the efficacy of the procedures for the  
4 release of police records containing information about minors as  
5 described in this section shall be conducted by the juvenile court  
6 and law enforcement in Los Angeles County and the results of that  
7 evaluation shall be reported to the Legislature on or before  
8 December 31, 2006.

9 (p) This section shall only apply to Los Angeles County.

10 SEC. 4. Section 828 of the Welfare and Institutions Code is  
11 amended to read:

12 828. (a) Except as provided in Sections 389, 781, 786, and  
13 827.9 of this code or Section 1203.45 of the Penal Code, any  
14 information gathered by a law enforcement agency, including the  
15 Department of Justice, relating to the taking of a minor into custody  
16 may be disclosed to another law enforcement agency, including a  
17 school district police or security department, or to any person or  
18 agency which has a legitimate need for the information for purposes  
19 of official disposition of a case. When the disposition of a taking  
20 into custody is available, it shall be included with any information  
21 disclosed.

22 A court shall consider any information relating to the taking of  
23 a minor into custody, if the information is not contained in a record  
24 which has been sealed, for purposes of determining whether  
25 adjudications of commission of crimes as a juvenile warrant a  
26 finding that there are circumstances in aggravation pursuant to  
27 Section 1170 of the Penal Code or to deny probation.

28 (b) When a law enforcement agency has been notified pursuant  
29 to Section 1155 that a minor has escaped from a secure detention  
30 facility, the law enforcement agency shall release the name of, and  
31 any descriptive information about, the minor to a person who  
32 specifically requests this information. The law enforcement agency  
33 may release the information on the minor without a request to do  
34 so if it finds that release of the information would be necessary to  
35 assist in recapturing the minor or that it would be necessary to  
36 protect the public from substantial physical harm.